

Serial No. 10/523,513
Atty. Doc. No. 2002P09934WOUS

REMARKS

Claims 15 – 33 stand finally rejected in view of new grounds for rejection. Entry of this amendment is requested in order to place the application in condition for allowance. In order to expedite the prosecution of this application to issuance, applicants present these amendments which are fully responsive to the Examiner's comments without concurrence with the rejections. Applicants also present new reasons as to why the claims as previously presented were distinct and non-obvious over the newly cited art.

The new rejection of claim 29 under Section 112, concerning antecedent basis, is overcome by deletion of the word "the" prior to recitation of the term inputting. All of the art rejections are on new grounds, based on combinations of Van Weele '825, Gundmudsson, Shah and Offenmuller.

Reconsideration is requested in view of the following distinctions, some of which were present in the claims prior to the current amendment, all of which distinguish over the Examiner's combinations.

First, as previously argued, the Van Weele reference has no relation to the claimed invention. Rather, the reference relates to an operator station for process control while the claimed invention concerns "configuring or designing ..." Previously, applicants limited the scope of the independent claims and expressly recited features in the independent claims in order to distinguish over this reference. There is no teaching in the prior art to reconstruct the Van Weele reference to read upon a claim directed to "configuring or designing." It is therefore inappropriate to rely upon the Van Weele patent as a primary reference to reject the claims.

Second, the two independent claims have recited and continue to recite features not present in the Van Weele reference – but which the final office action states are present in the Van Weele patent. As a first example, claim 15 has required and continues to require that

the first navigation area is an area, in which sub-tasks and work steps associated with a project can be displayed in a hierarchically organized manner

Serial No. 10/523,513
Atty. Doc. No. 2002P09934WOUS

In this regard, claim 32 requires

a first navigation area being an area in which sub-tasks and work steps associated with a project can be displayed in a hierarchically organized manner

These heirarchical features defined in claims 15 and 32 are absent from the Van Weele reference.

Claim 15 has also been amended to remove an error of an apparent nature which referenced the display area instead of the data area. The claim now correctly states that subtasks or work steps can be performed in:

the data area through the user interface to select a data option associated with a selected subtask or work step in order to configure or design the installation.

This amendment is directed to subject matter previously covered in both claims 15 and 32, and now more expressly presents a feature not found in the prior art. By way of contrast, the prior office actions have read the "data area" of claim 15 upon element 40 in FIG 3 of the Van Weele patent, but the element 40 is not part of a graphical user interface that enables selection of data options. Rather, the element 40 of FIG 3 in the Van Weele patent is only a plant overview flowsheet window. This has no relation to selection of data or to performing a subtask or work step to configure or design an installation. By way of example, the claimed invention enables the user to select a suitable motor or power circuit in the data area, via the graphical user interface, in order to design an installation.

Claim 32 has also been amended to more clearly present features which allow selection of data options. Claim 32 now requires a

"data area ... operable with the user interface to provide selectable options for performing one of the subtasks or work steps ..."

and claim 32 also requires

Serial No. 10/523,513
Atty. Doc. No. 2002P09934WOUS

"(ii) selecting a data option associated with the selected work step in the data area in order to configure or design the installation."

Other amendments are presented to more clearly present the invention. For example, the subject matter of claim 15 is now expressly directed to a *"software-based tool programmable for configuring or designing"* as supported by the patent specification. See, for example, Par. [0042] at page 12.

It is urged that in view of the amendment to claim 15, the examiner's basis for rejection, on the combination of Van Weele and Shah, has been overcome. For example, none of the prior art teaches or suggests a tool according to applicants' combination of a hierarchical structure for a first navigation area and a data area for performing

activities of configuring or designing through the user interface to select a data option associated with a selected subtask or work step ...

It is also submitted that in view of the amendment to claim 32, the examiner's basis for rejection, on the combination of Van Weele and Gundmudsson, has been overcome. For example, the prior art combination does not result in a

data area operable with the user interface to provide selectable options for performing one of the subtasks or work steps;

or a

user interface enabling: selection and performance of work steps to configure or design the installation by navigating in the first or in the second navigation area;

or

enabling a user to perform the work steps in part by ...

(ii) selecting a data option associated with the selected work step in the data area in order to configure or design the installation.

Serial No. 10/523,513
Atty. Doc. No. 2002P09934WOUS

Moreover, it is again urged that the combinations used to reject the claims are deficient because the subject matter of the Van Weele reference relates to an operator station for process control while the claimed invention concerns "configuring or designing ..."

It is also submitted that numerous features defined in the dependent claims further distinguish the invention. See, for example, claim 25 which states that

"once a required work step has been completed, command elements can be selected to display, input or change data associated with processing said work step."

According to claim 29, the tool is adapted for configuring or designing an installation or technical composition. According to claim 30, status indicators, provided in each of the navigation areas, provide information about whether or not a user has completed a work step. With the tool of Claim 31 the status indicators further contain information about whether or not a data selection made in a work step has resulted in a non-permitted status.

Other dependent claims also further distinguish over the prior art.

Conclusion

In view of the amendments, now even more clearly directing the claims to configuring or designing, the claims cannot be read upon any prior art combinations. Further, the deficiencies in the Van Weele reference cannot be compensated for by incorporating any other art of record under Section 103. Specifically, none of the prior art can be combined to provide the features expressly claimed in association with applicants' two navigation areas and data area. All of the art rejections can rightfully be withdrawn because it is only the applicants who teach the claimed combinations relating to configuring or designing. Allowance is therefore requested.

Serial No. 10/523,513**Atty. Doc. No. 2002P09934WOUS**

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

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